

December 7, 1999

Federal Bureau of Investigation  
CALEA Implementation Section  
14800 Conference Center Drive  
Suite 300  
Chantilly, VA 20151  
Attn: Program Manager, Capacity



Personal  
Communications  
Industry  
Association

**Re: Ex Parte Presentation:  
Implementation of Section 104 of the Communications  
Assistance for Law Enforcement Act: Telecommunications  
Services Other Than Local Exchange Services, Cellular, and  
Broadband PCS, 63 Fed. Reg. 70160**

To Whom It May Concern:

On Tuesday, November 30, 1999, the Personal Communications Industry Association ("PCIA"), represented by Rob Hoggarth and Todd Lantor, and Tom Barba, counsel to PCIA, met with H. Michael Warren, Paul Sheridan, Michael Gallagher, Chuck Fogle, Lou Degni, and Donald Codling of the Federal Bureau of Investigation's CALEA Implementation Section, as well as Jack Livingston of the FBI's Office of General Counsel and Mark Jones of Booz, Allen & Hamilton, regarding the above-referenced proceeding.

During the course of the meeting, the above participants engaged in discussions regarding the FBI's open proceeding on establishing capacity requirements for the messaging industry.<sup>1</sup> PCIA re-iterated its previous written comments that capacity requirements for the messaging industry should be based on the percentage of a messaging provider's subscribers on a given service, as well as the number of documented wiretaps historically conducted on messaging subscribers.

PCIA asserted that the technical development necessary to implement CALEA's capability and capacity requirements are closely interrelated and expressed a sincere interest in having the FBI publish final capacity requirements for the messaging industry as soon as possible. PCIA explained that in the event that the final formal capacity requirements and definition developed by the FBI are significantly different from the 0.001% capacity assumptions made in the PCIA standards, then substantial modifications to the standards and specifications

<sup>1</sup> *Implementation of Section 104 of the Communications Assistance for Law Enforcement Act: Telecommunications Services Other Than Local Exchange Services, Cellular, and Broadband PCS*, 63 Fed. Reg. 70160 (Dec. 18, 1998) ("NOI").




will be required. Moreover, significant design and development work already in progress to build the equipment and software modifications necessary to implement and support those specifications may be lost.

During the meeting, law enforcement representatives sought clarification of PCIA's methodology for determining capacity in its CALEA Suite of Standards<sup>2</sup> and its comments in response to the FBI's NOI.<sup>3</sup> PCIA appreciates the opportunity to clear up any confusion. Annex A2 of the PCIA Suite of Standards reflects the capacity assumption of 0.001% on which these standards were developed. PCIA inadvertently used different capacity percentages in examples provided in its comments in this proceeding. This variation should not, in any way, be interpreted as a change in PCIA's position on determining capacity. To be clear, capacity should be based on the percentage of the provider's customers on a given service, as well as the number of documented wiretaps. The standards are based on a capacity assumption that a maximum of 0.001% of the subscribers on any given service will need to be monitored by law enforcement.

Pursuant to 28 C.F.R. § 50.17(c), one original and one copy of this letter are being filed with your office. If you have any questions regarding this filing, please feel free to contact me at (703) 535-7482.

Sincerely,



Robert L. Hoggarth  
Senior Vice President – Paging and Messaging  
Personal Communications Industry Association

Enclosure

Cc (without enclosure):

H. Michael Warren  
Paul Gallagher  
Michael Gallagher  
Chuck Fogle  
Lou Degni  
Donald Codling  
Jack Livingston  
Mark Jones

<sup>2</sup> CALEA Suite of Standards for Traditional Paging, Advanced Messaging, and Ancillary Services, Version 1.2, PCIA Technical Committee, CALEA Subcommittee, Feb. 19, 1999. A copy of the Suite of Standards is enclosed with this document for inclusion in the record of this proceeding.

<sup>3</sup> In the Matter of Implementation of Section 104 of the Communications Assistance for Law Enforcement Act: Telecommunications Services Other Than Local Exchange, Cellular, and Broadband PCS, Comments of the Personal Communications Industry Association, Feb. 16, 1999.